In Berkson, without viewing a CM, a moving image can not be viewed, or a video can not be replayed without a CM, similar to the invention.

However, as stated in the Final Action, Berkson does not disclose the "encrypting unit for encrypting one of the divided moving image files by CM file data including a prespecified CM element incorporated therein."

Thus, claim 1 of the present invention is different from Berkson.

In regard to Zhu et al.

Zhu et al. relates to fully scalable encryption of scalable multimedia, wherein a scalable bitstream encrypted using the subject matter maintains fully functionally of scalable features in the encrypted form. Namely, the enhancement layer is encrypted by the data of the base layer in a scalable multimedia content including the enhancement layer and the base layer.

In the Final Action, the Examiner held that Zhu et al. discloses an "encrypting unit for encrypting an enhancement layer of a video by the data contained within the base layer" (see paragraphs 0021, 0022, claims 1, 27 to 29)."

In view of the final Action, it is recognized that the "enhancement layer" in Zhu et al. corresponds to "either one of the divided moving image files" in claim 1 of the present invention, and that the "base layer" corresponds to the "data of the CM file". However, the above-mentioned recognitions are incorrect.

In the field of the scalable multimedia, generally, time, space, and quality representations with the lowest video stream are encoded on the base layer, and additional (expansive) information, which can replay a higher quality, resolution, time representation based on the base layer in a decode process, is encoded on the enhancement layer.

In paragraph 0021 of Zhu et al., it is held that "A scalable bitstream encrypted using the subject matter maintains full functionality of scalable features in the encrypted form. The exemplary scalable encryption allows transcoding, rate shaping, and other operations directly on the ciphertext without degradation of scalable compression efficiency and error resiliency."

Therefore, as recited in claim 27, "the second scheme includes encrypting the enhancement layer using the global key and the base layer key."

Thus, the "enhancement layer" is included in the scalable multimedia content with an inseparable close relationship with the "base layer" as a so-called extension of the "base layer", so that Zhu et al. merely discloses that the "enhancement layer" is encrypted by the data included in the "base layer" within the scalable multimedia content.

In claim 1 of the present invention, two multimedia contents are arbitrarily selected, and one of the multimedia contents is encrypted based on the CM file. In claim 1, there is no enhancement layer, and also, the enhancement layer is not encoded by some data included in the base layer.

Thus, the technical idea, wherein one of the multimedia contents is encrypted based on the CM file data as recited in claim 1 of the present invention, is not disclosed or even suggested by Zhu et al.

In regard to Applicant's Admitted Prior Art (AAPA)

AAPA discloses that "a moving image is divided into two not-reproducible moving image files along a time axis". In claim 1, the moving image is divided along a time axis. However, AAPA does not disclose or suggest any other part of the invention.

In regard to Nelson et al.

Nelson et al. is directed to a video broadcasting system for capturing, transmitting and displaying three-dimensional video using a single camera.

In Nelson et al., it is held in paragraph 0047 that "At the broadcast center, the video images may be processed, multiplexed and/or selected for broadcasting. For example, graphics, such as station identification, may be overlaid on the video images; or other contents, such as, for example, commercials or other program contents, may be multiplexed with the video images from the video system 10." (emphasis added)

However, Nelson et al. does not disclose that the moving image file is encrypted based on the CM file. What is disclosed in Nelson et al. is that the commercials can be multiplexed with the video images. The term "multiplex" used in Nelson et al. is different from the term "encrypt" in claim 1. Nelson et al. does NOT disclose that the video images are encrypted by CM data.

Combination of the Cited References

In Nelson et al., the video images may have CM data multiplexed thereon. In this respect, the video images with the CM data are formed of one file.

In the invention, the moving image file must have two not-reproducible moving image file. Thus, the video images with the CM data must be divided into two not-reproducible moving image files, which may be made by AAPA.

However, it is not disclosed or suggested in Nelson et al. how the video image including the CM data is divided or included in one of the two not-reproducible moving image files.

In the Examiner's opinion, it was held that "Zhu discloses an encrypting unit for encrypting an enhancement layer of a video by the data contained within the base layer." However, Zhu et al. does

not disclose or suggest that the enhancement layer is encrypted by CM file data.

As stated by the Examiner, Zhu et al. may encrypt the enhancement layer by using the CM data if CM data is contained in the base layer. However, it is not disclosed or suggested from the combination of Nelson et al. and AAPA that the CM data is contained in the base file. The CM data may be included in the enhancement layer. If so, the enhance layer can not be encrypted by the CM data. Further, it is not disclosed that the CM file data in the multiplexed form can be properly encrypted.

The Examiner's rejection combines the four cited references by guiding or using the recitation of claim 1 of the invention. The desirable parts of the cited references are selected from the cited references and combined together guided by claim 1 of the invention. The reconstruction of the references guided by the claim is not permitted. In this respect, combination of the references is not proper.

In addition, the major difference in claim 1 of the invention over the cited references is that the encrypting unit encrypts one of the divided moving image files by the CM file data without considering the enhancement layer or base layer. The CM file data is not actually included in the other of the divided moving image files. None of the cited references indicates that the CM file data is used for encryption.

Therefore, claim 1 is not obvious from the cited references.

Independent claims 2, 3 and 11 other than claim 1 include the same or similar recitation of claim 1 as explained above. Thus, claims 2, 3 and 11 are not obvious from the cited references.

Other independent claims

Claim 13 was rejected by, in addition to the basic four cited references as explained above, Shintani et al. Shintani et al. was

cited to disclose billing a sponsor based on the number of times an advertisement is provided to users. Claim 13 includes the similar recitation of claim 1, as explained above, but the basic four cited references and Shintani et al. do not suggest the basic structure, as explained before. Therefore, claim 13 is not obvious from the cited references.

Claim 14 was rejected by, in addition to the basic four cited references as explained above, Heckel. Heckel was cited to disclose counting and logging the number of times an advertisement is viewed, and downloading the statistics to an advertiser. Claim 14 includes a moving image contents provider server, a sponsor server, and a server provider similar to claim 1, as explained above. The basic four cited references and Heckel do not suggest the basic structure of claim 1, as explained before. Therefore, claim 14 is not obvious from the cited references.

Other cited references

Hitson et al. was cited to show a server having stored thereon multimedia content which can be accessed and edited by administrators, users, advertisers and content providers.

Okayama et al. was cited to show distributing targeted advertisement to viewers, where the targeting is based on viewer profiles stored within a server.

Teng et al. was cited to show an updating service which polls client devices to determine whether or not their software is up to date, and automatically distributes updated software to clients.

The above cited references do not disclose or suggest the basic structure of claim 1. Therefore, even if the cited references are combined, claims 6, 7 and 9 are not obvious from the cited references.

As explained above, claims pending in the application are patentable over the cited references.

Reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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